

SUMMONS

IN THE CIRCUIT COURT OF MERCER COUNTY, WEST VIRGINIA

**CURTIS E. DAVIS, Trustee U/W/A
DATED JULY 15, 1997 and
REBA M. DAVIS, his wife,**

PETITIONERS/PLAINTIFFS,

V. CIVIL ACTION NO. 07-C-748-WS

**LARRY AUSTIN, ELLEN FRIEND,
HELEN AUSTIN RYAN, RAYMOND
AUSTIN, heirs of Otella Austin, VIRGIL
W. DAVIS, RODNEY HUBBARD, d/b/a
RODNEY HUBBARD & SON LOGGING,**

AND

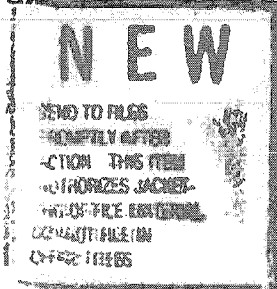
**UNITED STATES OF AMERICA DEPARTMENT
of the TREASURY, INTERNAL REVENUE SERVICE,
and EQUABLE ASCENT FINANCIAL,**

RESPONDENTS/DEFENDANTS.

**TO: United States Treasury
Internal Revenue Service
c/o United States Attorney
Southern District of West Virginia
Robert C. Byrd, U. S. Courthouse
300 Virginia Street, Suite 4000
Charleston, WV 25301**

**IN THE NAME OF THE STATE OF WEST VIRGINIA, you are hereby
summoned and required to serve upon HAROLD B. WOLFE, III, Petitioner's/Plaintiff's
attorney, whose address is 1422 Main Street, Princeton, West Virginia, 24740, an answer,
including any related counterclaim you may have, to the Complaint filed against you in the
above styled Civil Action, a true copy of which is herewith delivered to you. You are
required to serve your answer within thirty (30) days after service of this summons upon
you, exclusive of the day of service. If you fail to do so, judgment by default will be taken
against you for the relief demanded in the petition and you will be thereafter barred from
asserting in another action any claim you may have which must be asserted by counterclaim
in the above styled civil action.**

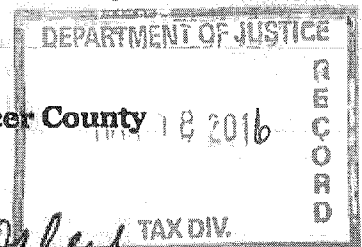
Dated this 15th day of March, 2016.



**JULIE BALL, CLERK
Circuit Court of Mercer County** 18 2016

By: Capital Worley

Deputy



IN THE CIRCUIT COURT OF MERCER COUNTY, WEST VIRGINIA

**CURTIS E. DAVIS, Trustee U/W/A
DATED JULY 15, 1997 and
REBA M. DAVIS, his wife,**

PETITIONERS/PLAINTIFFS

FILED

MAR 15 2016

**JULIE BALL
CLERK CIRCUIT COURT
MERCER COUNTY**

V. CIVIL ACTION NO. 07-C-748-WS

**LARRY AUSTIN, ELLEN FRIEND,
HELEN AUSTIN RYAN, RAYMOND
AUSTIN, heirs of Otella Austin, VIRGIL
W. DAVIS, RODNEY HUBBARD, d/b/a
RODNEY HUBBARD & SON LOGGING,**

AND

**UNITED STATES OF AMERICA DEPARTMENT
of the TREASURY, INTERNAL REVENUE SERVICE,
and EQUABLE ASCENT FINANCIAL,**

RESPONDENTS/DEFENDANTS.

AMENDED PETITION AND COMPLAINT

Your Petitioners/Plaintiffs state and complain to the Court as follows:

COUNT I

I.

Your male petitioner herein is the trustee under the Curtis E. Davis trust dated July 15, 1997, and Reba M. Davis is the wife of Curtis E. Davis, individually.

II.

The real estate which is the subject of this suit is located in Mercer County, West Virginia, East River District, and contains approximately 240 acres.

III.

The Petitioner, Curtis E. Davis, individually, and by necessity, Respondent Virgil W. Davis, acquired a one-half undivided interest in the above referred to real estate by deed dated March 23, 1994, from Adron Donald Davis and Mary Frances Davis, their father and mother by deed of record in the Office of the Clerk of the County Commission of Mercer County, West Virginia in Deed Book 744 at page 455, as evidenced by the copy of the said deed attached hereto and marked as Exhibit "A."

By deed of record in the Office of the Clerk of the County Commission of Mercer County, West Virginia in Deed Book 830 at page 655, the Petitioner individually conveyed his interest in the subject property, which was 1/4 undivided interest, to Curtis E. Davis, trustee u/w/a dated July 15, 1997.

The Respondent/Defendant's, Larry Austin, Ellen Friend, Helen Austin Ryan and Raymond Austin are the sole heirs of Otella Austin having received a one-half undivided interest in the subject property upon her death on May 18, 2001, under her Last Will and Testament of record in the Office of the Clerk of the County Commission of Mercer County in Will Book 74 at page 710. The said Otella Austin having acquired a one half interest in the property from Phillip Davis.

The Respondent/Defendant Rodney Hubbard & Son Logging is currently conducting a logging operation on the subject property referred to hereinabove.

IV.

During the years 1997, 1998 and 1999, the Respondent, Otella Austin heirs attempted to negotiate with the Petitioner individually and Virgil Davis to purchase their one-fourth each interest in the subject property. This purchase was not represented by any documents or in writing, but mainly through oral communications and e-mails between Curtis E. Davis, Virgil Davis and Larry Austin. There was never any agreement reached concerning the use of the said property between or among the heirs and the Petitioner and there was a breakdown in communications in certain conditions concerning it's use as well as the property being preserved.

V.

By checks all dated August 17, 1999, totaling \$30,000.00, the said checks being made payable to Curtis Davis for \$10,000.00 from Larry Austin, Curtis Davis for 55,000.00 from Linda Austin, and Reba M. Davis for \$10,000.00 from Larry Austin and Reba M. Davis for \$5,000.00 from Linda Austin (Please see Exhibits "B" and "C"), were sent to the Petitioners/Plaintiffs. It is believed that the above referred to checks were for the one-fourth undivided interest of Curtis E. Davis in the subject property but the consideration which held up the transfer was never agree to, that being the protection and preservation of the property as it was in 1999 with the unobstructed right of Curtis E. Davis and his heirs to use the property for recreations, etc. this consideration was a major portion of the consideration because

the Petitioner did not want the real estate timbered or damaged in any way.

VI.

Not known to your Petitioner, Curtis Davis, until the last two weeks (approximately the week of October 15, 2007), the heirs of Otella Austin, named herein or someone acting on their behalf, have engaged the Respondent/Defendant, Rodney Hubbard & son Logging to conduct timbering operations on the subject property completely without the knowledge or consent of the Petitioner, Curtis E. Davis, and upon viewing of the premises it appears that the said timbering operation has been conducted for months.

VII.

The Respondent/Defendant Rodney Hubbard & Son Logging is guilty of negligence and constructive breach of contract for undertaking the timbering operation specifically without the knowledge or consent of the Petitioner herein, Curtis E. Davis, and your Petitioner herein Curtis E. Davis would never have agreed to the timbering operation because the protection and preservation of the farm mandated that no timbering would be conducted on the premises. Furthermore, the Respondent Rodney Hubbard & Son Logging, could have easily ascertained that there was a one-half undivided interest not accounted for by check one record in the Office of the Clerk of the County Commission of Mercer County, West Virginia, being the tax index records which clearly show that the property is listed as follows: Curtis Davis Trust, Virgil Davis, Larry Austin, et. Al. The said record further reflects the

property identification number as 06062878.

VIII.

Your Petitioner further states as follows:

A. That the Otella Austin heirs, namely, Larry Austin, Ellen Friend, Helen Austin Ryan and Raymond Austin, who own a one-half undivided interest in the subject property are guilty of unlawful use of the property, conversion of the funds from the timbering operation, and obtaining money from the property by timbering it without the knowledge or consent of Petitioner herein.

B. The Respondent/Defendant Rodney Hubbard & Son Logging is guilty of the negligent and willful action of timbering the property, and receiving money without first ascertaining the true ownership of the property and obtaining the consent of the Respondent which said consent would never have been given by the Petitioner.

C. The Respondent/Defendant Virgil W. Davis, while not being guilty of the above referred to actions, is a necessary party to the action since he owns a one-fourth individual interest in the property also.

WHEREFORE, your Petitioner prays that this Honorable Court will grant the following relief:

1. That the Court will Order that a hearing be held immediately on the Petition.
2. That the Court immediately terminate the logging operation on the said

property.

3. That the Respondent/Defendants, Otella Austin heirs, Larry Austin, Ellen Friend, Helen Austin Ryan and Raymond Austin, be held accountable for any and all money received from the timbering operation.

4. That the Court will Order that the Respondent/Defendants, Otella Austin heirs, Larry Austin, Ellen Friend, Helen Austin Ryan and Raymond Austin, to pay unto the Petitioner those sums which he is rightly due and for damages to the property, plus a reasonable amount for aggravation, annoyance inconvenience.

5. That the Respondent/Defendants Rodney Hubbard & Son Logging, be Ordered to pay unto your Petitioner those sums which should have been pain to the Petitioner (1/4 interest) and for general damages to the property and to the property and aggravation,

6. For any other and further relief as this Court deems proper.

COUNT II - PARTITION

IX.

The Plaintiff asks that the foregoing allegations be taken and read as it is fully setforth herein verbatim.

X.

The property that is the subject of the present Partition action is located in East River District, Mercer County, West Virginia.

XI.

As the subject property is located in Mercer County, West Virginia jurisdiction for the Partition portion of this Complaint is based W. Va. Code § 37-4-1 et seq. and this Courts *in rem* jurisdiction and accordingly, jurisdiction and venue for the Partition is proper in this forum.

XII.

The Plaintiff and the Defendants, Larry Austin, Ellen Friend, Helen Austin Ryan, and Raymond Austin are the co-owners of a tract of property located in East River District, of Mercer County, West Virginia consisting of approximately 240 acres, more or less.

XIII.

The parties received the subject property and their respective interest therein as set forth in Count I above.

XIV.

The Plaintiff and the Defendants, Larry Austin, Ellen Friend, Helen Austin Ryan and Raymond Austin are the co-owners and the co-parceners of the property described herein.

XV.

The Plaintiff and the named Defendants, have divergent interests and the Plaintiff now seeks partition of the subject property.

XVI.

The Plaintiff owns a one-fourth undivided interest in the subject property and the object of this present action is to procure a partition of said property as provided by law.

XVII.

The Real Estate described herein is susceptible to partitioning in kind as provided in W. Va. Code § 37-4-1 et seq.

AVOIDANCE OF LIENS

XVIII.

As part of the present partition action there are liens of the Defendants that have attached to the respective interests of the Defendants which must be determined, and the Plaintiff requests be avoided.

XIX.

There are three federal tax liens against the Defendant, Larry J. Austin.

A. There is a federal tax lien dated December 15, 2011 of record in the office of the Clerk of the County Commission, Mercer County, West Virginia, in Federal Tax Lien Book 7 at Page 610 against Larry J. Austin in favor of the Department of Treasury - Internal Revenue Service in the total outstanding amount of \$1,192,223.62, a copy of the aforementioned federal tax lien is attached hereto and incorporated by reference as Exhibit "D". Pursuant to 28 U.S.C. 2410 (b) the

following information is provided: 1. Name and Address of taxpayer - Larry J. Austin 809 Valley Forge Drive, Alexandria, VA 22309; 2. The tax lien was filed by B. James of the Detroit, Michigan Office of the Internal Revenue Service; and 3. The notice was filed in the Office of the Clerk of the County Commission of Mercer County, West Virginia, at Mercer County Courthouse, 1501 W. Main Street, Princeton, West Virginia on December 23, 2011.

B. There is federal tax lien dated January 19, 2011 of record in the office of the Clerk of the County Commission, Mercer County, West Virginia, in Federal Tax Lien Book 7 at Page 519 against Larry L. Austin in favor of the Department of Treasury - Internal Revenue Service in the total outstanding amount of \$1,192,169.62, a copy of the aforementioned federal tax lien is attached hereto and incorporated by reference as Exhibit "E". Pursuant to 28 U.S.C. 2410 (b) the following information is provided: 1. Name and Address of taxpayer - Larry L. Austin 809 Valley Forge Drive, Alexandria, VA 22309; 2. The tax lien was filed by D. Greenstein of the Detroit, Michigan Office of the Internal Revenue Service; and 3. The notice was filed in the Office of the Clerk of the County Commission of Mercer County, West Virginia, at Mercer County Courthouse, 1501 W. Main Street, Princeton, West Virginia on January 31, 2011.

C. There is a federal tax lien dated May 2, 2011 of record in the office of the Clerk of the County Commission, Mercer County, West Virginia, in Federal Tax Lien Book 7 at Page 555 against Larry J. Austin in favor of the Department of

Treasury - Internal Revenue Service in the total outstanding amount of \$1,192,169.62, a copy of the aforementioned federal tax lien is attached hereto and incorporated by referenced as Exhibit "F". Pursuant to 28 U.S.C. 2410 (b) the following information is provided: 1. Name and Address of taxpayer - Larry J. Austin 8901 Valley Forge Drive, Alexandria, VA 22309; 2. The tax lien was filed by D. Greenstein of the Detroit, Michigan Office of the Internal Revenue Service; and 3. The notice was filed in the Office of the Clerk of the County Commission of Mercer County, West Virginia, at Mercer County Courthouse, 1501 W. Main Street, Princeton, West Virginia on May 9, 2011.

XX.

There is a federal tax lien against the Defendant, Helen A. Ryan.

A. There is federal tax lien dated September 19, 2007 of record in the office of the Clerk of the County commission, Mercer County, West Virginia, in Federal Tax Lien Book 7 at Page 27 against Helen A. Ryan in favor of the Department of Treasury - Internal Revenue Service in the total outstanding amount of \$28,843.61 a copy of the aforementioned federal tax lien is attached hereto and incorporated by reference as Exhibit "G". Pursuant to 28 U.S.C. 2410 (b) the following information is provided: 1. Name and Address of taxpayer - Helen A. Ryan P. O. Box 903, Athens, WV 24712; 2. The tax lien was filed by Regina Owens of the Detroit, Michigan Office of the Internal Revenue Service; and 3. The notice was filed in the Office of the Clerk of the County Commission of Mercer County, West Virginia, at

Mercer County Courthouse, 1501 W. Main Street, Princeton, West Virginia on October 1, 2007.

XXI.

There is also an outstanding judgment against Helen A. Ryan in favor of Equable Ascent Financial dated July 12, 2003 of record in the Clerk of County Commission, Mercer County, West Virginia in Judgment Lien Book 168 at Page 333 in the principal amount of \$3,257.14 plus court costs in the amount of \$180.00 as well as statutory interest at the rate of 7% per year after July 3, 2012. A copy of the aforementioned judgment is attached hereto and incorporated by reference as Exhibit "H".

XXII.

Pursuant to W. Va. Code § 37-4-4 the Plaintiff request that the Court ascertain that the liens of the respective Defendants are not applicable to the Plaintiff's interest, avoid the liens as to the Plaintiff's interest in the partition in kind and order that the transfer of the interests sought by the Petitioner be free and clear of any liens of the respective Defendants.

XXIII.

Pursuant to 28 USC Section 2410(a) and Section 5.17.5.3 of the Internal Revenue Service Internal Revenue Manual, the United States has consented to be sued in State Court on a claim for a Partition as setforth in the present proceeding.

XXIV.

The Plaintiff is not seeking to have the liens of the United States and other lien holders avoided entirely but only as to the property to be allocated to the Plaintiff in kind and the liens identified herein shall remain in full force and effect pertaining to the Defendants and the remaining tract of Real Estate that shall be allocated to the respective Defendants.

XXV.

The parties have reached a potential agreement to settle and resolve all outstanding issues between them, that the Plaintiff shall receive complete and sole ownership of a tract of Real Estate consisting of approximately 50 acres which is located across the road from the farmhouse and largest portion of the Real Estate, so long as the Plaintiff's get ownership of such tract free and clear of any liens or encumbrances of the Defendants.

WHEREFORE, your Petitioner prays that this Honorable Court will grant the following relief:

1. That the Court will Order that a hearing be held immediately on the Petition.
2. That the Court immediately terminate the logging operation on the said property.
3. That the Respondent/Defendants, Otella Austin heirs, Larry Austin, Ellen Friend, Helen Austin Ryan and Raymond Austin, be held accountable for any

and all money received from the timbering operation.

4. That the Court will Order that the Respondent/Defendants, Otella Austin heirs, Larry Austin, Ellen Friend, Helen Austin Ryan and Raymond Austin, to pay unto the Petitioner those sums which he is rightly due and for damages to the property, plus a reasonable amount for aggravation, annoyance inconvenience.

5. That the Respondent/Defendants Rodney Hubbard & Son Logging, be Ordered to pay unto your Petitioner those sums which should have been paid to the Petitioner (1/4 interest) and for general damages to the property and to the property and aggravation,

6. That the Petitioner be awarded sole and complete ownership by partition in kind of the tract of Real Estate consisting of approximately 50 acres that lies across the road from the farmhouse and the majority of the Real Estate.

7. That the Federal Tax Liens and other liens of the respective Defendants be avoided and discharged only in so far as such liens pertain to the tract of Real Estate to be allotted to the Plaintiff, and that the liens remain in full force and effect as to the Defendants and the property they are to receive under the Plaintiffs requested Partition.

8. For any other and further relief as this Court deems proper.

**PLAINTIFFS, CURTIS E. DAVIS AND
REBA M. DAVIS
By Counsel:**

A handwritten signature in dark ink, appearing to read "Harold B. Wolfe, III", is written over a horizontal line.

HAROLD B. WOLFE, III
W. V. State Bar Id.: 5807
1422 Main Street
Princeton, WV 24740
Telephone: 304-425-5562


CERTIFICATE OF SERVICE

I, HAROLD B. WOLFE, III, counsel for the Petitioners/Plaintiffs, Curtis E. Davis and Reba M. Davis, hereby certify that I served a true copy of the "AMENDED PETITION AND COMPLAINT" upon all parties of interest, by depositing same in the United States Mail, postage pre-paid, addressed to the following:

ROBERT E. HOLROYD
1438 Main Street
Princeton, WV 24740

WILLIAM S. WINFREY, II
1608 West Main Street
Princeton, WV 24740

Dated this the 15th day of March, 2016.


HAROLD B. WOLFE, III

STATE OF WEST VIRGINIA,
COUNTY OF MERCER, TO-WIT:

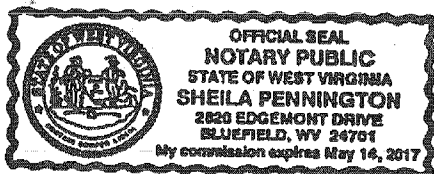
Curtis E. Davis & Reba M. Davis, after being first duly sworn upon
their oath, does now depose and say that they ^{are} is the Petitioners/Plaintiff in the
foregoing Petition and Complaint, that the facts
and allegations contained therein are true insofar as they are therein stated to be upon
information and belief, and that insofar as they are therein stated to be upon information
and belief, they believes them to be true.

Curtis E. Davis

Reba M. Davis

TAKEN, subscribed and sworn to before the undersigned Notary Public on this
the 23rd day of October, 2007.

My commission expires: May 14, 2017.



Sheila Pennington
NOTARY PUBLIC

BOOK 744 PAGE 455

THIS DEED, made and entered into this the 23rd day of March, 1994, by and between ADRON DONALD DAVIS and MARY FRANCES DAVIS, his wife, parties of the first part, and CURTIS E. DAVIS and VIRGIL W. DAVIS, parties of the second part,

W-I-T-N-E-S-S-E-T-H:

THAT, for and in consideration of the sum of TEN (\$10.00) DOLLARS, cash in hand paid, the receipt of which is hereby acknowledged, and further in consideration of the natural love and affection the said parties of the first part have for the said parties of the second part; in consideration of all of which the said parties of the first part do hereby grant, sell and convey unto the said Curtis E. Davis and Virgil W. Davis (brothers), parties of the second part, with covenant of GENERAL WARRANTY OF TITLE and free of all liens and encumbrances, all of their right, title and interest, which is understood to be a one-half, undivided interest, in and to the following described real estate, with the improvements thereon:

All of those three certain adjacent tracts or parcels of land situate in East River District, Mercer County, West Virginia, bounded and described as follows:

"BEGINNING on a White Oak on a brow of a hill, thence S. 30° W. 118 poles to a Chestnut and Chestnut Oak on a West slope near a small hollow, S. 15° W. 29 poles to a large Chestnut Oak on a north hillside, S. 30° E. 38 poles to two White Oaks and three large rocks on a ridge, S. 64° W. 39 poles to a Chestnut and Sourwood, and White Oak on said ridge, S. 39° E. 50 poles to a Chestnut, Chestnut Oak, and Speckled Oak sapling on a hill side, N. 68° E. 18 poles to three white Oaks in a low gap, corner to a fifty acre survey known as the McConas survey, S. 25° E. _____ to a ridge one hundred poles (100) to two Chestnut Oaks, corner to said fifty acre survey, also to William Pennington,

W. ROBERT CARR
Attorney-At-Law
RINCETON, W. VA.

FILED

NOV 5 2007

BRENDA DAVIS
CLERK CIRCUIT COURT
MERCER COUNTY, WV

Exhibit "A"

APR 20 1994

Mailed to: Adron D. Davis, Rt. 1, Box 46, Glen Lyn, VA 24093

BOOK 744 OF 456

and with the old Pennington line, S. 25° E. 125 poles to a station on the top of East River Mountain, thence along the said mountain E. 132 poles to a station, thence down the north side of the said mountain N. 46° W. 125 poles to a Red Oak and sugar tree at the foot of the mountain, corner to the John Metz survey, N. 52° W. 92 poles to a sugar tree on a spur, N. 50° E. 20 poles to two White Oak saplings, N. 32° W. 14 poles to a large White Oak, N. 27° E. 86 poles to a double Dogwood and White Oak sapling, N. 13° W. 98 poles to a White Oak and Black Walnut, N. 30° W. 88 poles to a Poplar, and thence 78° W. 90 poles to the BEGINNING," containing 240 acres, more or less, and being the same one-half, undivided interest in said real estate which the said Adron D. Davis acquired as follows: (1) a one-fourth, undivided interest was acquired on the death of P. G. Davis, the father of Adron D. Davis, who died intestate on June 21, 1969; and (2) a one-fourth, undivided interest was Deeded to the said Adron D. Davis by Edward P. Davis and Clara Davis, his wife, and Vella J. Davis, single, being heirs at law of P. G. Davis, deceased, by Deed dated July 2, 1970, of record in the office of the Clerk of the County Commission of Mercer County, West Virginia, in Deed Book No. 454, at page 31.

Under penalties of fine and Imprisonment as provided by law, the Grantors hereby declare that the transfer of the interest in the real estate herein conveyed is not subject to the West Virginia excise tax on the privilege of transferring real property since it represents a gift from parents to children.

WITNESS the following signatures and seals.

Adron D. Davis (SEAL)
ADRON DONALD DAVIS

Mary Frances Davis (SEAL)
MARY FRANCES DAVIS

BOOK 744 PAGE 457

STATE OF ~~WEST~~ VIRGINIA,
COUNTY OF ~~HESTER~~ Silas, to-wit:

I, the undersigned, a Notary Public within and for the County and State aforesaid, do hereby certify that ADROM DONALD DAVIS, husband of MARY FRANCES DAVIS, whose name is signed to the foregoing and annexed writing, bearing date the 23rd day of March, 1994, has this day acknowledged the same before me in my said County and State.

Given under my hand this the 8th day of April, 1994.

My commission expires 3/31/97.

(Notary
 Seal here)

James B. Hill

Notary Public, in and for, Silas
 County, Virginia.

29.
COUNTY OF Silas, to-wit:

I, the undersigned, a Notary Public within and for the County and State aforesaid, do hereby certify that MARY FRANCES DAVIS, wife of ADROM DONALD DAVIS whose name is signed to the foregoing and annexed writing, bearing date the 23rd day of March, 1994, has this day acknowledged the same before me in my said County and State.

Given under my hand this the 8th day of April, 1994.

My commission expires 3/31/97.

(Notary
 Seal here)

James B. Hill
 Notary Public, in and for the
 County of Silas,
 State of W.V.

This instrument prepared by:
Robert Carr, Attorney
Princeton, West Virginia

WEST VIRGINIA
 HUNTERDON COUNTY CLERK'S OFFICE

APR 15 1994 11:35

The 1994 11:35 APR 15 1994 in said
 office and duly recorded to record therein.

James B. Hill Clerk

THE FACE OF THIS DOCUMENT HAS A GREEN BACKGROUND - NOT A WHITE BACKGROUND

FIRST VIRGINIA BANK
SERVING NORTHERN VIRGINIA
FALLS CHURCH, VIRGINIA 22042-2399

FOR OR PURCHASER *****LARRY AUSTIN*****

THE AMOUNT OF THIS CHECK WILL BE SUBJECT TO SERVICE CHARGES AS SPECIFIED IN THE BANK'S SCHEDULE OF CHARGES IF NOT PRESENTED FOR PAYMENT WITHIN ONE YEAR OF THE DATE OF ISSUANCE.

CASHIER'S CHECK

Aug. 17, 1999 No. 4609145

PAY **DK - \$10,000.00** \$ ****10,000.00****

TO THE ORDER OF *****CURTIS DAVIS*****

Ronda Adams
AUTHORIZED SIGNATURE

⑈04609145⑈ ⑆056001118⑆ 0900 0038⑈

THE FACE OF THIS DOCUMENT HAS A GREEN BACKGROUND - NOT A WHITE BACKGROUND

FIRST VIRGINIA BANK
SERVING NORTHERN VIRGINIA
FALLS CHURCH, VIRGINIA 22042-2399

FOR OR PURCHASER *****LARRY AUSTIN*****

THE AMOUNT OF THIS CHECK WILL BE SUBJECT TO SERVICE CHARGES AS SPECIFIED IN THE BANK'S SCHEDULE OF CHARGES IF NOT PRESENTED FOR PAYMENT WITHIN ONE YEAR OF THE DATE OF ISSUANCE.

CASHIER'S CHECK

Aug. 17, 1999 No. 4609146

PAY **DK - \$10,000.00** \$ ****10,000.00****

TO THE ORDER OF *****REBA DAVIS*****

Ronda Adams
AUTHORIZED SIGNATURE

⑈04609146⑈ ⑆056001118⑆ 0900 0038⑈

FILED
NOV 6 2007
BRENDA DAVIS
CLERK CIRCUIT COURT
MERCER COUNTY

Exhibit "g"

ESTABLISHED 1882 CHARTERED 1883
 MEMBER FDIC **Burke & Herbert Bank & Trust Company** SH 10883

REMITTER LINDA AUSTIN Alexandria, Va. Date AUG. 17, 1999

PAY TO THE ORDER OF ***CURTIS DAVIS*** \$\$\$5,000.00**

BURKE & HERBERT 5,000dol's00cts

CASHIER'S CHECK

THE PURCHASE OF A SURETY BOND WILL BE REQUIRED BEFORE THIS CHECK IS REPLACED DUE TO THEFT OR LOSS.

Carol Brobbey
 VICE PRESIDENT

⑈00010883⑈ ⑆056001066⑆ ⑈09⑈90013⑈6⑈

ESTABLISHED 1882 CHARTERED 1883
 MEMBER FDIC **Burke & Herbert Bank & Trust Company** SH 10884

REMITTER LINDA AUSTIN Alexandria, Va. Date AUG. 17, 1999

PAY TO THE ORDER OF ***REBA DAVIS*** \$\$\$5,000.00***

BURKE & HERBERT 5,000dol's00cts

CASHIER'S CHECK

THE PURCHASE OF A SURETY BOND WILL BE REQUIRED BEFORE THIS CHECK IS REPLACED DUE TO THEFT OR LOSS.

Carol Brobbey
 VICE PRESIDENT

⑈00010884⑈ ⑆056001066⑆ ⑈09⑈90013⑈6⑈

FILED
 NOV 5 2007
 BRENDA DAVIS
 CLERK CIRCUIT COURT
 MERCER COUNTY

Exhibit "C"

Form 668 (Y)(c)
(Rev. February 2004)

11003

Department of the Treasury - Internal Revenue Service

Notice of Federal Tax Lien

Area:
SMALL BUSINESS/SELF EMPLOYED AREA #3
Lien Unit Phone: (800) 913-6050

Serial Number

836782611

For Optional Use by Recording Office

As provided by section 6321, 6322, and 6323 of the Internal Revenue Code, we are giving a notice that taxes (including interest and penalties) have been assessed against the following-named taxpayer. We have made a demand for payment of this liability, but it remains unpaid. Therefore, there is a lien in favor of the United States on all property and rights to property belonging to this taxpayer for the amount of these taxes, and additional penalties, interest, and costs that may accrue.

VERLIN T. MOYE, Clerk
MERCER CO. COMMISSION

1P

Name of Taxpayer LARRY J AUSTIN

Page 1 of 1
NJ Date 12/23/2011 Time 11:20:39
FEE: 11.00Residence
8901 VALLEY FORGE DR
ALEXANDRIA, VA 22309-0000

IMPORTANT RELEASE INFORMATION: For each assessment listed below, unless notice of the lien is refilled by the date given in column (e), this notice shall, on the day following such date, operate as a certificate of release as defined in IRC 6325(a).

Kind of Tax (a)	Tax Period Ending (b)	Identifying Number (c)	Date of Assessment (d)	Last Day for Refiling (e)	Unpaid Balance of Assessment (f)
1040	12/31/2005	XXX-XX-0910	10/09/2006	11/08/2016	136240.25
6651F	12/31/2000	XXX-XX-0910	08/31/2009	09/30/2019	259768.44
6651F	12/31/2001	XXX-XX-0910	08/31/2009	09/30/2019	271989.28
6651F	12/31/2002	XXX-XX-0910	08/31/2009	09/30/2019	3027.36
6651F	12/31/2003	XXX-XX-0910	08/31/2009	09/30/2019	64279.61
6651F	12/31/2004	XXX-XX-0910	08/31/2009	09/30/2019	375214.15
6651F	12/31/2005	XXX-XX-0910	08/31/2009	09/30/2019	81704.53

Place of Filing

CLERK OF THE COUNTY COMMISSION
MERCER COUNTY
PRINCETON, WV 24740

Total \$ 1192223.62

This notice was prepared and signed at DETROIT, MI, on this,

the 15th day of December, 2011.

Signature

for B. JAMES

Title
REVENUE OFFICER
(434) 836-7071

23-03-4732

(NOTE: Certificate of officer authorized by law to take acknowledgment is not essential to the validity of Notice of Federal Tax Lien
Rev. Rul. 71-486, 1971 - 2 C.B. 408)

Part 1 - Kept By Recording Office

Form 668(Y)(c) (Rev. 2-2004)
CAT. NO 60026X

Exhibit "D"

Form 668 (Y)(c)
(Rev. February 2004)

11883

Department of the Treasury - Internal Revenue Service

Notice of Federal Tax Lien

Area:

SMALL BUSINESS/SELF EMPLOYED AREA #3
Lien Unit Phone: (800) 913-6050

Serial Number

744437511

For Optional Use by Recording Office

As provided by section 6321, 6322, and 6323 of the Internal Revenue Code, we are giving a notice that taxes (including interest and penalties) have been assessed against the following-named taxpayer. We have made a demand for payment of this liability, but it remains unpaid. Therefore, there is a lien in favor of the United States on all property and rights to property belonging to this taxpayer for the amount of these taxes, and additional penalties, interest, and costs that may accrue.

VERLIN T. MOYE, Clerk
MERCER CO. COMMISSION

1P

Page 1 of 1

FT 7/519

PLD Date 01/31/2011

Time 10:23:48

FEE:

11.00

Name of Taxpayer LARRY L AUSTIN

Residence

8901 VALLEY FORGE DR
ALEXANDRIA, VA 22309-3937

IMPORTANT RELEASE INFORMATION: For each assessment listed below, unless notice of the lien is refilled by the date given in column (e), this notice shall, on the day following such date, operate as a certificate of release as defined in IRC 6325(a).

Kind of Tax (a)	Tax Period Ending (b)	Identifying Number (c)	Date of Assessment (d)	Last Day for Refiling (e)	Unpaid Balance of Assessment (f)
1040	12/31/2005	XXX-XX-0910	10/09/2006	11/08/2016	136186.25
6651F	12/31/2000	XXX-XX-0910	08/31/2009	09/30/2019	259768.44
6651F	12/31/2001	XXX-XX-0910	08/31/2009	09/30/2019	271989.28
6651F	12/31/2002	XXX-XX-0910	08/31/2009	09/30/2019	3027.36
6651F	12/31/2003	XXX-XX-0910	08/31/2009	09/30/2019	64279.61
6651F	12/31/2005	XXX-XX-0910	08/31/2009	09/30/2019	81704.53
6707	12/31/2004	XXX-XX-0910	08/31/2009	09/30/2019	375214.15

Place of Filing

CLERK OF THE COUNTY COMMISSION
MERCER COUNTY
PRINCETON, WV 24740

Total \$ 1192169.62

This notice was prepared and signed at DETROIT, MI, on this,

the 19th day of January, 2011.

Signature

for D. GREENSTEIN



Title
REVENUE OFFICER
(410) 962-3985

23-13-1731

(NOTE: Certificate of officer authorized by law to take acknowledgment is not essential to the validity of Notice of Federal Tax Lien
Rev. Rul. 71-486, 1971-2 C.B. 409)

Part 1 - Kept By Recording Office

Form 668(Y)(c) (Rev. 2-2004)
CAT. NO 60025X

EXHIBIT E


Form 668 (Y)(c) (Rev. February 2004)	11883 AMENDMENT Department of the Treasury - Internal Revenue Service	AMENDMENT	Notice of Federal Tax Lien		
Area: SMALL BUSINESS/SELF EMPLOYED AREA #3 Lien Unit Phone: (800) 913-6050		Serial Number 782097011	For Optional Use by Recording Office		
As provided by section 6321, 6322, and 6323 of the Internal Revenue Code, we are giving a notice that taxes (including interest and penalties) have been assessed against the following-named taxpayer. We have made a demand for payment of this liability, but it remains unpaid. Therefore, there is a lien in favor of the United States on all property and rights to property belonging to this taxpayer for the amount of these taxes, and additional penalties, interest, and costs that may accrue.			VERLIN T. MOYE, Clerk MERCER CO. COMMISSION		
Name of Taxpayer LARRY J AUSTIN			Page 1 of 1 NJE Date 05/09/2011 Time 12:42:20 FEE: 11.00		
Residence 8901 VALLEY FORGE DR ALEXANDRIA, VA 22309-3937					
IMPORTANT RELEASE INFORMATION: For each assessment listed below, unless notice of the lien is refiled by the date given in column (e), this notice shall, on the day following such date, operate as a certificate of release as defined in IRC 6326(a).					
Kind of Tax (a)	Tax Period Ending (b)	Identifying Number (c)	Date of Assessment (d)	Last Day for Refiling (e)	Unpaid Balance of Assessment (f)
1040	12/31/2005	XXX-XX-0910	10/09/2006	11/08/2016	136186.25
6651F	12/31/2000	XXX-XX-0910	08/31/2009	09/30/2019	259768.44
6651F	12/31/2001	XXX-XX-0910	08/31/2009	09/30/2019	271989.28
6651F	12/31/2002	XXX-XX-0910	08/31/2009	09/30/2019	3027.36
6651F	12/31/2003	XXX-XX-0910	08/31/2009	09/30/2019	64279.61
6651F	12/31/2005	XXX-XX-0910	08/31/2009	09/30/2019	81704.53
6707	12/31/2004	XXX-XX-0910	08/31/2009	09/30/2019	375214.15
This Notice of Federal Tax Lien is filed to correct the taxpayer's name on the original lien recorded on 01/31/2011, in MERCER, WV, serial identification number 744437511 recorded as Book 7, Page 519. All other information on the original notice filed is correct and that instrument remains in full force and effect.					
Place of Filing CLERK OF THE COUNTY COMMISSION MERCER COUNTY PRINCETON, WV 24740					Total \$ 1192169.62
This notice was prepared and signed at <u>DETROIT, MI</u> , on this,					
the <u>02nd</u> day of <u>May</u> , 2011.					
Signature for D. GREENSTEIN		 Title REVENUE OFFICER (410) 962-3985			
(NOTE: Certificate of officer authorized by law to take acknowledgment is not essential to the validity of Notice of Federal Tax Lien Rev. Rul. 71-486, 1971 - 2 C.B. 409)					
Part 1 - Kept By Recording Office			Form 668(Y)(c) (Rev. 2-2004) CAT. NO 80025X		

EXHIBIT F

Form 668 (Y)(c)
(Rev. February 2004)

6152

Department of the Treasury - Internal Revenue Service

Notice of Federal Tax Lien

Area:
SMALL BUSINESS/SELF EMPLOYED AREA #2
Lien Unit Phone: (800) 829-3903Serial Number
392355907

For Optional Use by Recording Office

RUDOLPH D. JENNINGS, Clerk
MERCER CO. COMMISSION 1P

As provided by section 6321, 6322, and 6323 of the Internal Revenue Code, we are giving a notice that taxes (including interest and penalties) have been assessed against the following-named taxpayer. We have made a demand for payment of this liability, but it remains unpaid. Therefore, there is a lien in favor of the United States on all property and rights to property belonging to this taxpayer for the amount of these taxes, and additional penalties, interest, and costs that may accrue.

Page 1 of 1
Page Date 10/01/2007 Time 15:16:21
FT 7/27
EE: 6.00

Name of Taxpayer JERRY B & HELEN A RYAN

Residence PO BOX 903
ATHENS, WV 24712-0903

IMPORTANT RELEASE INFORMATION: For each assessment listed below, unless notice of the lien is refilled by the date given in column (e), this notice shall, on the day following such date, operate as a certificate of release as defined in IRC 6325(a).

Kind of Tax (a)	Tax Period Ending (b)	Identifying Number (c)	Date of Assessment (d)	Last Day for Refiling (e)	Unpaid Balance of Assessment (f)
1040	12/31/2004	XXX-XX-9114	09/18/2006	10/18/2016	
1040	12/31/2004	XXX-XX-9114	02/12/2007	03/14/2017	11943.78
1040	12/31/2005	XXX-XX-9114	04/02/2007	05/02/2017	9813.59
1040	12/31/2006	XXX-XX-9114	07/02/2007	08/01/2017	7086.24
Place of Filing CLERK OF THE COUNTY COMMISSION MERCER COUNTY PRINCETON, WV 24740					Total \$ 28843.61

This notice was prepared and signed at DETROIT, MI, on this,

the 19th day of September, 2007.

Signature R. A. Mitchell
for REGINA OWENS

Title
ACS 22-00-0008
(800) 829-3903

(NOTE: Certificate of officer authorized by law to take acknowledgment is not essential to the validity of Notice of Federal Tax Lien
Rev. Rul. 71-458, 1971 - 2 C.B. 409)

Part 1 - Kept By Recording Office

Form 668(Y)(c) (Rev. 2-2004)
CAT. NO 80028X

EXHIBIT 6

JL Book 168 333

71576

IN THE MAGISTRATE COURT OF MERCER COUNTY, WEST VIRGINIA

EQUABLE ASCENT FINANCIALCase No. 11C-1675C/O PO BOX 300
BUFFALO WV 25033
Address

INDEXED 01/01/16
 Instrument No 00000
 Date Recorded 11/27/2015
 Decedent Type NE
 Pines Petroleum
 Link-Post 11/27/15
 Recording Fee \$5.00
 Notarized

v.

HELEN RYAN
Defendant

Judgment Debtor's Social Security No. _____

PO BOX 5592
PRINCETON WV 24740
Address

Judgment Debtor's Date of Birth _____

ABSTRACT OF JUDGMENT

On 07/03/2012, in the above case,
the court granted judgment in favor of EQUABLE ASCENT FINANCIAL
against HELEN RYAN

Money Award: \$ 3,257.14 plus Court costs: \$ 180.00

plus interest at the rate of 7 percent per year, running from the date of
judgment on any unpaid balance.

I certify that the above is a true abstract of the judgment order
entered in the above case.

Date of Abstract 03/23/2012Clerk: Donna Arnold / RS

Signature

Exhibit "A"